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U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: SRC 03 040 53664 Office: TEXAS SERVICE CENTER Date: JUN 18 2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:
[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is an importer and exporter of electronics. It seeks to employ the beneficiary for three years as its president-director, and filed a petition to classify the beneficiary as a nonimmigrant intracompany transferee. The director denied the petition concluding that the beneficiary would not be employed in the U.S. entity in a primarily managerial or executive position.

In an appeal filed March 18, 2003, counsel claims that the director erred in denying the nonimmigrant petition because the petitioner met all of the requirements in the Immigration and Nationality Act and the regulations. Counsel asserts that the petitioner provided evidence pertaining to the following: (1) the beneficiary's prior work experience; (2) the existence of the foreign company and its organizational structure; and (3) the U.S. entity's need to employ the beneficiary. Counsel further claims that "[i]t was established that the beneficiary will in fact be coming to [the United States] in a managerial capacity, not as a first line manager." Counsel states that a brief and evidence would be submitted within thirty days of the date of the appeal. To date, more than fifteen months after the filing of the appeal, a review of the record reveals no subsequent submission.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel did not identify any particular fact or conclusion of law that was not properly considered by the director in making her decision. While counsel makes several claims on appeal, none specifically relate to the issue addressed by the director.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for this appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is summarily dismissed.